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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,300	05/17/2001	Klaus Lindemann	P277884	6583

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PILLSBURY WINTHROP LLP
1600 TYSONS BOULEVARD
McLean, VA 22102

EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2685

10

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,300

Applicant(s)

LINDEMANN, KLAUS

Examiner

Blane J Jackson

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hentila et al. (U.S. Patent 6,044,259) with a ^dview to Raitt (U.S. Patent 6,493,547). ^{with A} ^{view to 130472}

As to claims 1 and 8, Hentila teaches a method and arrangement for transmitting credit/charging information to a mobile station, the method including:

Maintaining credit/charging information related to the subscriber of the mobile station in a network node (figures 3 and 5, column 6, lines 46-67),

Detecting a call setup request wherein the a call setup request indicates a call chargeable to the subscriber of the mobile station but does not include the credit/charging information (column 7, line 66 to column 8, line 11),

Based on the call setup request, determining the credit/charging information maintained in the network node,

Establishing the call (column 8, lines 11-18),

Detecting a termination of the call,

Updating the credit/charging information maintained network node (column 8, lines 24-29),

Hentila further teaches, at the end of the call, the subscriber's account shows the real time balance and other procedures (column 8, lines 24-29) but is silent to sending the credit/charging information to the mobile station as a message upon the detection of the call termination.

Raith teaches call usage during the call is reported for display at the user terminal using a control channel message (figure 6, column 8, lines 37-55) and, in a further embodiment, as part of the termination process, the system transmits a release message which includes current cumulative usage information for the user to receive an indication of current usage as of the end of the call, (figure 7, column 8, lines 56-67 and column 9, lines 1-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to identify in the prepaid system of Hentila the call usage reporting methods of Raith to improve a subscriber's ability to monitor and control communication costs.

Hentila and Raith do not teach that the sending of the credit/charging information to the mobile station is a connectionless message. Boltz teaches a system and method for setting subscriber defined usage limits on a mobile terminal with a usage monitoring

application within the MSC to compare the current usage amount to a limit and generate an error message for display on the mobile station (column 4, lines 41-55).

Boltz further teaches a system that the user can establish a connectionless message system, a USSD message or other MMI message to reset usage limits or check the current accumulated usage and the define usage limits (column 5, lines 5-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the message system of Hentila and Raith with the connectionless method of Boltz such that the mobile user is able to define usage limits or receive accumulate usage amounts without establishing a speech connection with the serving MSC.

As to claim 2, Hentila teaches the method of claim 1 further comprising defining an upper limit for an accumulated price of telephone calls, monitoring the accumulated price of telephone calls and allowing a new call only if the accumulated price of telephone calls is less than the upper limits (figure 4, lines 38-65).

As to claims 6, 7, 9 and 10, with respect to claim 1, Hentila of Hentila modified teaches an intelligent network to handle different and evolving call services comprised of a Service Switching Point (SSP) to give the user access to the network and detects service requests of the intelligent network, a Service Control Point (SCP) comprising the programs of the service logic and a service data Point (SDP) that contains the program service data (column 1, lines 39-67). This network under SCP control is used to coordinate and implement call services where the call may be monitored in respect to

call accumulation and other condition indicated in the subscriber record (figure 3, column 8, lines 11-29 and column 4, lines 34-56). Hentila of Hentila modified does not specifically teach the network node (the SCP) requesting a Mobile service Switching Center (MSC) to report the termination of the call to determine and send the credit/charging information to the mobile station. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize in the intelligent network and prepaid call control system of Hentila of Hentila modified for the SCP within the intelligent network to direct the operational steps to determine and send credit/charging information to the mobile station as taught by Hentila modified, as discussed in claim 1.

4. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hentila modified and further in view of Laybourn et al. (U.S. Patent 6,480,710).

As to claims 10-14, the intelligent network of Hentila modified does not teach a separate processor configured to format the credit/charging information.

Laybourn teaches a cellular network with management of a prepaid wireless service and utilizes a Short Message Service Center (SMSC) to format a message containing tariff rates or to answer user requests such as an available credit amount (column 6, lines 41-64) sent over the air to a mobile device (figure 1, SMSC (180), mobile (10), column 3, lines 30-54 and column 5, line 63 to column 6, line 7. It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize in Hentila modified the separate processing SMSC ability of Laybourn such

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that the service provider can forward tariff table updates and the like at any time the service provider needs to do so.

Allowable Subject Matter

5. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McGregor (U.S. Patent 6,198,915) teaches a mobile phone system with a mobile phone having internal accounting capabilities for real time call debiting to account. LaDue (U.S. Patent 6,088,431) teaches a system to communicate prepaid account status to the subscriber using several forward downlink data (control channel) pathways. Berg (U.S. Patent 6,108,531) teaches terminal equipment attached to the cellular transceiver to provide payment traffic information based on short data messages from the cellular radio system. Loder (U.S. Patent 5,748,720) teaches a SIM card for a mobile radio terminal that tracks, controls and displays prepaid account data.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

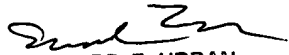
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (703) 305-5291. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

BJJ


EDWARD F. URBAN
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